

**Court of Appeals, Division One**  
**Civil - Family Court**

**1 CA-CV 15-0814 FC**

**MONTE v. BERTSCH-MONTE**

**Appellate Case Information**

Case Filed: 10-Dec-2015  
Case Closed:

**Dept/Composition**

**Side 1. In re the Marriage of:**

**ANTHONY MONTE, Petitioner/Appellant**  
**(Litigant Group) ANTHONY MONTE**

• Anthony Monte

**Attorneys for: Petitioner/Appellant**  
Florence M Bruemmer, Esq. (AZ Bar No. 19691)

**Side 2. KARA BERTSCH MONTE, Respondent/Appellee**  
**(Litigant Group) KARA BERTSCH MONTE**

• Kara Bertsch Monte

**Attorneys for: Respondent/Appellee**  
Amy M Wilkins, Esq. (AZ Bar No. 22762)

**CASE STATUS**

Sep 23, 2016....At Issue

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR DR2000-000598	Petition for Dissolution of Marriage (w/children)		Timothy J Thomason, Authoring Judge of Order		

**48 PROCEEDING ENTRIES**

1.	10-Dec-2015	FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 11/12/15			
2.	10-Dec-2015	FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits - not sent at this time			
3.	17-Dec-2015	FILED: Notice to Parties re: Appellant's Fee/Case Management Statement/Brief Due			
4.	21-Dec-2015	RECEIPT No.: 2015-01752 ; \$280.00, Check Number: #5789, Applied to: ANTHONY MONTE - Class A Filing Fee (\$280.00) Paid for: - By Law Office of Florence M Bruemmer P C			
5.	21-Dec-2015	FILED: Reporter's Transcript – 10/28/2015 - Evidentiary Hearing (Lawrette Murphy) (Appellant)			
6.	22-Dec-2015	FILED: Notice of Pending Motions In Trial Court; Certificate of Service (Appellant)			
7.	22-Dec-2015	FILED: Case Management Statement; Under Advisement Ruling filed on 11/5/15 (Appellant)			
8.	23-Dec-2015	ORDERED: Notice of Pending Motions In Trial Court (Appellant) = GRANTED/staying appeal and revesting jurisdiction in Maricopa Superior Court to consider pending motion for new trial and motion to consider evidence. FURTHER ORDERED: Within 10 days after superior court rulings on motions, appellant shall file a notice with this court with rulings attached. FURTHER ORDERED: If a party wishes ruling on motions to be reviewed in this appeal, party must file a timely notice of appeal or amended notice of appeal. FURTHER ORDERED: Directing appellant to file a written notice w/ this court of status on motions on/before 2/8/16. FURTHER ORDERED: Vacating 2/16/16 due date for opening brief. Court will set a due date for opening brief after superior court rules on motions. Melina Brill ProTem Judge - Author			
9.	8-Jan-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record (including Minute Entry re: denying Request of Court to consider Newly Discovered Information, Evidence and Additional Damages)			
10.	27-Jan-2016	FILED: Notice Re: Status of Motions in Trial Court; Certificate of Service; Exhibits A-C (Appellant)			
11.	28-Jan-2016	ORDERED: Notice Re: Status of Motions in Trial Court; Exhibits A-C (Appellant) = GRANTED/continuing stay of this appeal. FURTHER ORDERED: Directing appellant to advise this court promptly of any ruling determining issues in 2/16/16 hearing and to file written notice w/ this court of status of proceedings on 3/1/16. Barbara Vidal Vaught ProTem Judge - Author			
12.	25-Feb-2016	FILED: Notice Re: Status of Motions in Trial Court; Certificate of Service; Judgment dated 2/22/2016 (Appellant)			

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13.	26-Feb-2016	ORDERED: Unless any party files a notice within 10 days of the date of this order indicating this appeal should proceed, the court will dismiss the appeal. Barbara Vidal Vaught ProTem Judge - Author
14.	29-Feb-2016	FILED: Notice of Appeal from Amended Judgment & Notice to Proceed with Appeal; Certificate of Service (Appellant)
15.	2-Mar-2016	ORDERED: Notice of Appeal from Amended Judgment & Notice to Proceed with Appeal (Appellant) = continuing stay of this appeal to/including 3/31/16. FURTHER ORDERED: If appellant files a timely notice of appeal from 2/25/16 judgment, that appeal shall proceed under this case number. Barbara Vidal Vaught ProTem Judge - Author
16.	3-Mar-2016	FILED: Notice of Filing; Certificate of Service (Appellant)
17.	10-Mar-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record (includes Notice of Appeal from Amended Judgment filed 3/3/16)
18.	10-Mar-2016	FILED: Additional Record on Appeal: Exhibits: HD 7/12/06 - List and # 2 3 4 10 11 12 13 14 15 17 20 21 25 26 27 31 32 33 34 36 37 39 59 60 61 62 75 76 77 in manila envelope; HD 11/1/10 - List and # 1 3 4 5 6 7 8 9 10 11 12 13 14 in manila envelope; HD 11/22/10 - List and # 1 3 4 7 9 10 11 12 17 18 19 20 in manila envelope; HD 2/18/15 - List and 1 2 3 4 5 6 7 8 9 in manila envelope; HD 6/1/15 - List and # 1 2 4 5 6 7 8 9 10 12 13 19 20 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 48 49 54 59 61 65 67 71 72 73 82 84 91 in manila envelope; HD 10/28/15 - List and # 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 19 20 21 22 23 24 25 26 27 28 30 31 32 35 36 37 38 40 41 42 43 44 in manila envelope; HD 2/22/16 - List and # 1 2 3 4 6 8 10 11 12 16 18 in manila envelope
19.	21-Mar-2016	FILED: Reporter's Transcript – 02/22/2016 - Trial (Dawn Carrero) (Appellant)
20.	29-Mar-2016	FILED: Notice of Pending Motions In Trial Court; Certificate of Service (Appellant)
21.	31-Mar-2016	ORDERED: Notice of Pending Motions In Trial Court (Appellant) = taking no action on notice. Barbara Vidal Vaught ProTem Judge - Author
22.	1-Apr-2016	FILED: Notice of Status of Pending Motions in Trial Court; Certificate of Service (Appellant)
23.	6-Apr-2016	FILED: Supplemented Superior Court e-Record with Revised Index of Record (including Notice of Cross-Appeal filed 3/25/16 and Amended Judgment; Minute Entry filed 4/4/16 re: denial of motion for partial reconsideration re: air conditioner)
24.	6-Apr-2016	FILED: Notice of Status of Pending Motions in Trial Court; Certificate of Service; Minute Entry of 4/4/2016 (Appellant)
25.	8-Apr-2016	ORDERED: Notice of Status of Pending Motions in Trial Court (Appellant) = GRANTED/reinstating this appeal. FURTHER ORDERED: opening brief shall be filed on/before 5/9/16. FURTHER ORDERED: Appellee's filing fee of \$140.00, payable to clerk of this court, is due on 4/18/16. Barbara Vidal Vaught ProTem Judge - Author
26.	9-May-2016	FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
27.	8-Jun-2016	FILED: Notice of Appearance; Certificate of Service (Appellee)
28.	8-Jun-2016	FILED: Notice of Payment of Filing Fee; Certificate of Service (Appellee)
29.	13-Jun-2016	RECEIPT No.: 2016-00720 ; \$140.00, Authorization: 65004454119, Applied to: KARA BERTSCH MONTE - Class B Filing Fee (\$140.00) Paid for: Wilkins Law Firm PLLC - By Integrated Resource Systems IN
30.	15-Jun-2016	FILED: Respondent's Motion for Extension of Time to File Answer Brief; Certificate of Service for Respondent's Motion for Extension of Time to File Answer Brief (Respondent)
31.	16-Jun-2016	ORDERED: Respondent's Motion for Extension of Time to File Answer Brief (Respondent) = GRANTED. Due date EXTENDED from Monday, 06-27-2016 to Wednesday, 07-27-2016. Melina Brill ProTem Judge - Author
32.	27-Jul-2016	FILED: Appellee's Answer Brief and Opening Brief on Cross-Appeal; Certificate of Compliance; Certificate of Service (Appellee) (Opening Brief on Cross-Appeal STRICKEN per order filed 09/13/2016)
33.	2-Aug-2016	FILED: Motion to Dismiss Appellee's Cross-Appeal; Certificate of Service; Exhibits A & B (Appellant)
34.	2-Aug-2016	FILED: Motion for Modification of Briefing Schedule; Certificate of Service (Appellant)
35.	3-Aug-2016	ORDERED: Motion for Modification of Briefing Schedule (Appellant) = GRANTED/vacating 09/12/2016 due date for reply brief and cross-appeal answering brief. Order ruling on pending motion to dismiss cross-appeal will set a due date for filing reply brief and cross-appeal answering brief, if motion to dismiss is denied. Melina Brill ProTem Judge - Author

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| 36. | 22-Aug-2016 | FILED: Appellee's Response to Appellant's Motion to Dismiss and, in the alternative, Petition for Special Action; Certificate of Service (Appellee)   |
| 37. | 31-Aug-2016 | FILED: Reply to Appellee's Response to Motion to Dismiss and, In the Alternative, Petition for Special Action; Certificate of Service (Appellant)   |
| 38. | 13-Sep-2016 | ORDERED: Motion to Dismiss Appellee's Cross-Appeal (Appellant) = GRANTED. FURTHER ORDERED: denying appellee's request to accept special action jurisdiction over the cross-appeal. FURTHER ORDERED: denying appellant's request for attorneys' fees and costs in connection with the motion to dismiss. FURTHER ORDERED: striking opening brief on cross-appeal contained on pages 36-51 of answering brief. FURTHER ORDERED: reply brief due 10/03/2016. Hon Jon W Thompson - Author |
| 39. | 20-Sep-2016 | FILED: Appellee's Motion for Reconsideration of Dismissing Cross-Appeal; Certificate of Service (Appellee)  |
| 40. | 20-Sep-2016 | FILED: Respondent/Appellee's Notice of Filing Transcripts; Certificate of Service (Appellee)  |
| 41. | 20-Sep-2016 | FILED: Reporter's Transcript - 06/01/2015 - Bench Trial (Marybeth Abodeely) (Appellee)  |
| 42. | 23-Sep-2016 | FILED: Appellant's Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)   |
| 43. | 26-Sep-2016 | ORDERED: Appellee's Motion for Reconsideration of Dismissing Cross-Appeal (Appellee) = DENIED. Hon Jon W Thompson - Author  |
| 44. | 4-Oct-2016  | FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days   |
| 45. | 5-Oct-2016  | ORDERED: directing appellant to file written notice in this court along with supporting documentation, on/before 10/20/2016, indicating whether Ms. Abodeely is an authorized transcriber. FURTHER ORDERED: if Ms. Abodeely is an authorized transcriber, appellant shall file in this court a properly certified transcript on/before 11/07/2016. Melina Brill ProTem Judge - Author (VACATED per order filed 10/12/2016)  |
| 46. | 6-Oct-2016  | FILED: Notice re: June 1, 2015 Transcript; Certificate of Service (Appellant)   |
| 47. | 12-Oct-2016 | ORDERED: vacating the 10/05/2016 order. Melina Brill ProTem Judge - Author  |
| 48. | 14-Oct-2016 | FILED: Supplemented Superior Court e-Record with Revised Index of Record  |